

City of Chattanooga ***SUBDIVISION REGULATIONS***

ARTICLE 6 - Definitions

600 - WORDS AND PHRASES

For the purposes of these regulations, certain terms, words, and phrases are defined as follows:

- Words with a masculine gender include the feminine gender.
- Words used in the future tense include the present.
- Words used in the present tense include the future.
- Words used in the singular include the plural.
- Words used in the plural include the singular.
- The word "may" is permissive.
- The words "ordinance" and "regulations" are used interchangeably.
- The word "person" includes a firm, association, corporation, organization, partnership, trust, company, and an unincorporated association of persons such as a club, as well as an individual.
- The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

601 - APPLICANT: The owner of land proposed to be subdivided, or his representative. Consent shall be required from the legal owner of the premises.

602 - BLOCK: A parcel of land that is normally bounded by streets or bounded by streets and the exterior boundary of a subdivision.

602.1 - BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year--commonly referred to as the "100-Year Flood". (See also "High Water Stage".) (Added 3-16-81)

603 - BOND: Any form of security (including a cash bond, surety bond, cashiers check, collateral, property, or instrument of credit) in an amount and form satisfactory to the governing Body for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement. (See Article 2, Section 208.)

604 - BUILDING INSPECTOR OR OFFICIAL: A qualified inspector from the County Building Commissioner's office or a municipal Inspection Department who is designed by the local government to enforce the Zoning Ordinance or Regulations.

605 - CAPITAL IMPROVEMENTS PROGRAM: A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purpose, construction, or replacement of the physical assets for the community are included.

605.1 - CITY ENGINEER: The licensed engineer designated by the City Council to administer these regulations or his designated representative. (Added 10-12-98)

606 - COLLECTOR STREET: See Streets, Collector.

607 - CORRECTIVE PLAT: A plat used to record minor changes to a recorded plat. (See Article 2, Section 206.)

608 - CRONAFLEX: A dimensionally stable material on which the final details of a proposed subdivision are affixed and recorded in the Registrar's Office. (See Article 2, Section 207.)

609 - CUL-DE-SAC: See Streets, Cul-de-Sac

609.1 - CUL-DE-SAC, SHORT: A cul-de-sac street which meets all of the following requirements: (Added 3-13-95)

- a. The street provides access to 10 (ten) or less lots, including corner lots.
- b. All of the lots on the street will be developed for detached single family dwellings only.
- c. The street is not an extension of a street with a wider right-of-way.
- d. The street is 600' or less in length.
- e. The street cannot be extended due to topographic barriers or existing development.

610 - CURRENT PLANNING and OPERATIONS: A division of the Planning Commission that receives, processes, and administers the subdivision regulations within the jurisdiction of the Planning Commission.

611 - DEED RESTRICTIONS: A private covenant among the residents of a subdivision or development limiting the use or conditions within the subdivision or development.

612 - DEVELOPER: Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land thereunder for himself or for another.

612.1 - DEVELOPMENT OFFICE: Any Agency of the City of Chattanooga generally charged with review of Subdivision proposals and subdivision road construction." (Added 3-13-95)

613 - EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

613.1 - EASEMENT, DRAINAGE: A perpetual, unobstructed easement across property reserved to carry surface water drainage along specified routes to natural water courses. Drainage easements shall not be filled or built upon in any way that will impede the flow of surface water.

613.2 - EASEMENT, OVERHEAD POWER AND COMMUNICATION: An easement for the installation, operation, inspection, maintenance, repair or replacement of overhead electric power, telephone, cable t.v. and other communication lines, cables, poles, anchors, structures, etc. and the appurtenances thereto belonging. (Added 12-13-93)

613.3 - EASEMENT, PERMANENT: A recorded permanent easement which provide access to a publicly accepted municipal or county street. Such permanent easement shall be open to public safety access and utility access.

613.4 - EASEMENT, POWER AND COMMUNICATION: An easement for the installation, operation, inspection, maintenance, repair or replacement of underground, ground level or overhead electric power, telephone, cable t.v. and other communication lines, cables, poles, anchors, ditches, pipes, duct, structures, manholes, etc. and the appurtenances thereto belonging. (Added 12-13-93)

613.5 - EASEMENT, UTILITY: An easement for the installation, operation, inspection, maintenance, repair or replacement of the public utility lines, cables, poles, ditches, pipes, manholes, etc. and the appurtenances thereto belonging.

614 - ENGINEER: Any person registered to practice professional engineering in Tennessee by the State Board of Examiners for Architects and Engineers.

615 - FINAL PLAT: A subdivision plat prepared in accordance with provisions herein, in which said plat is designed to be place on record with the County Registrar after approval by the Planning Commission.

616 - FLAG LOT: An interior lot located to the rear of another lot but with a narrow portion of the lot extending to the street. The narrow portion of the lot shall be less than twenty-five (25) feet in width, except in cases where an existing structure(s) and its required side yard cannot be accommodated, then the width shall not be less than fifteen (15) feet in width.

617 - FLOOD, 100-YEAR: The flood having a one percent chance of being equaled or exceeded in any given year as defined by Federal Emergency Management Administration (formerly Federal Insurance Administration) in its Flood Insurance Study for the City of Chattanooga. The boundaries and general elevation of the 100 year flood are shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Administration. (Amended 3-16-95)

618 - FLOODWAY (VALLEY) ZONE: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood (100 year flood) without increasing the water surface elevation at the High Water Stage or Base Flood. The Floodway Zone is shown on Flood Boundary and Floodway Boundary and Flood maps issued by the Federal Emergency Management Administration. (Amended 3-16-81)

619 - FRONTAGE: The width of the lot measured at: (1) the required front yard setback line, or (2) the front of the building. In no case shall lots fronting an alley only be considered as meeting the frontage requirements of these regulations.

620 - FRONTAGE STREET: See Street, Frontage

621 - GENERAL PLAN: A plan, or any portion thereof, adopted by the Planning Commission, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

621.1 - GEOLOGIC SURVEY: Involves study of the bedrock, regolith, and ground water. Requires a detailed mapping of the

rock strata and structural relationships of these units. Also, may include nature and significance of possible metallic and non-metallic mineral deposits. (Added 3-16-81)

622 - GOVERNING BODY: The Chattanooga City Commission.

623 - GOVERNMENTAL ATTORNEY: The licensed attorney designated by the Governing Body to furnish legal assistance to the Governing Body.

624 - GOVERNMENTAL ENGINEER: The licensed engineer designated by the Governing Body to furnish engineering assistance for the administration of these regulations, usually given the title "City Engineer" or "County Engineer". In municipalities without a governmental engineer, this function shall be performed by the chief elected official or his designated representative.

625 - GRADE: The slope of a street, or the ground, specified in percentage (%) terms.

626 - HEALTH DEPARTMENT AND HEALTH OFFICER: The agency and person designated by the Governing Body to administer the health regulations of the local government and of the State.

627 - HIGH WATER STAGE (Base flood elevation, 100 Year Flood): The highwater stage as determined by the Federal Insurance Administration) in its Flood Insurance Administration) in its Flood Insurance Study for the City of Chattanooga. (Amended 3-16-81)

628 - IMPROVEMENTS: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

629 - LOCAL GOVERNMENT: For the purposes of these regulations, any city or town within Hamilton County and the County, authorized by law to adopt ordinances and/or regulations.

630 - LOCAL STREET: See Street, Local.

631 - LOT: A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or building group as permitted in the applicable zoning ordinance or regulation, together with their accessory building or uses and such access, yards, and other open spaces as required in these regulations and the applicable zoning ordinance or regulation. If on-site waste disposal systems are used, the lot must be capable of sustaining such a disposal system within the limits of the particular lot. (Amended 3-16-81)

632 - LOT MEASUREMENTS: Lots shall be measured and their dimensions calculated as given below.

632.1 - LOT FRONTAGE: The width of the lot measured at: (1) the required front yard setback line, or (2) the front of the building. In no case shall lots fronting on an alley only be considered as meeting the frontage requirements of these regulations.

632.2 - LOT WIDTH: The width of the lot measured along a straight line between side lot lines (generally parallel to the street) and measured at: (1) the rear of the front yard required by the local zoning regulations, or (2) the building setback line as shown on the plat.

632.3 - LOT DEPTH: The depth of the lot measured along a straight line(s) perpendicular to the street and measured from the street right-of-way to the rear of the lot in accordance with the most applicable of the following conditions: (See the following page for examples).

- a. for rectangular lots; the length of the side lot line.
- b. for lots that are generally rectangular or trapezoidal, except where either side lot line is less than fifty (50) feet; the average of the depths to the rear lot corner.
- c. lots that are generally rectangular, or trapezoidal where one side lot line is less than fifty (50) feet, or triangular; the average of the depth of the long side lot line and the length of a line perpendicular to the street but seventy-five (75) feet away from side measured above. (Note: the lot width must be at least seventy-five (75) feet to make this measurement.)
- d. lots with irregular front or rear lot lines; the average of the shortest side lot line and a line to the portion of the rear lot line and a line to the portion of the rear lot line that is closest to the street.
- e. flag lots; the depth of the major part of the lot, as measured above, but excluding the narrow portion of the lot that extends to the street.

632.4 - LOT AREA: The area bounded by the lot lines of a lot with the following exceptions:

- a. the narrow portion of a flag lot that extends to a street.

- b. for lots served by septic tanks; drainage ways and/or easements and the area separated from the main portion of a lot by a drainage way, or drainage easement.
- c. access easements to other lots.

633 - LOT OF RECORD: A designated tract of land as shown on a recorded plat or tax map on record in the Registrar's Office or the Assessor of Property's Office prior to June 20, 1961. (Amended 3-16-81)

634 - LOT TYPES: Terminology used in these regulations with reference to corner lots, interior lots, and through lots, and reversed frontage lots is as follows:

634.1 - CORNER LOT: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

634.2 - INTERIOR LOT: A lot other than a corner lot with only one frontage on a street.

634.3 - THROUGH LOT: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

634.4 - REVERSED FRONTAGE LOT: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

635 - MAJOR STREET PLAN: See General Plan.

636 - MINOR ARTERIALS: This system should interconnect with and augment the urban principal arterial system and provide service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials. These facilities place more emphasis on land access than the higher system. Minor arterials, ideally, do not penetrate identifiable neighborhoods. (Added 8-8-94)

637 - (Deleted 8-8-94)

638 - MONUMENTS: Permanent concrete or iron markers used to establish definitely all lot corners, boundary lines, corners, and points of change in street alignment. (See Article 3, Section 305)

639 - NON-RESIDENTIAL LOT: A lot intended to be used for purposes other than residential and accessory uses; such as for commercial or industrial development.

640 - NON-RESIDENTIAL SUBDIVISION: A subdivision intended to be used other than residentially, such as for commercial or industrial development. Such subdivision shall comply with the applicable provisions of these regulations.

641 - OFFER OF DEDICATION: The act of granting land or streets to an entity, such as the government, association, person, etc. The offer of dedication shall not constitute the acceptance of such land or streets by the local government, association or person.

642 - ORDINANCE: Any legislative action, however denominated, of a local government which has the office of law, including any amendment or repeal of any ordinance.

643 - OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

644 - PERFORMANCE BOND: See Bond and Article 2, Section 208

644.1 - PLANNING AGENCY: A public agency which serves as the staff for the Chattanooga-Hamilton County Regional Planning Commission and other planning commissions in Hamilton county as requested. This agency also performs other planning service functions as requested by local government. (Added 10-12-98)

644.2 - PLANNING AGENCY STAFF: The staff of the Planning Agency.

645 - PLANNING COMMISSION: The Chattanooga-Hamilton County Regional Planning Commission, a regional planning commission created in accordance with Tennessee Code Annotated 13-201 and also serving as the municipal planning commission for the cities and towns listed in Article I, Section 101.1 in accordance with Tennessee Code Annotated 13-204. The term "Planning Commission", as used in these regulations, may refer to the Chattanooga-Hamilton County Regional Planning Commission or its staff, as appropriate: for Signal Mountain, the Signal Mountain Planning Commission.

646 - PLAT: The map, plan, or drawing on which the developer's plan of a subdivision of property is presented to the Planning

Commission for approval and, after such approval, to the Registrar of Hamilton County for recording. "Plat" includes plat, replat, plan, or replot.

647 - PLAT DESIGNER: An individual or firm that surveyed and designed the preliminary plat, final plat, and cronaflex. Only a registered engineer or surveyor may prepare the final plat and cronaflex and sign the same. (See Section 501.3)

647.1 - PRINCIPAL ARTERIALS: Significant intra-area travel; such as between central business districts and outlying residential areas, between major inner city communities, or between major suburban centers should be served by this system. Principal arterials are not restricted to controlled access routes. For principal arterials, the concept of service to abutting land should be subordinate to the provision of travel service to major traffic movements. (Added 8-8-94)

648 - PUBLIC RIGHT-OF-WAY: Land owned by a government, but developed and reserved for the public's use. (See Right-of-Way Section 653.)

648.1 - PUBLIC UTILITY: See "Utility, Public". (Added 3-16-81)

648.2 - REGISTRAR: The elected official responsible for recording deeds and plats. (Added 10-12-98)

649 - RESERVE STRIP: A remnant of land created by the subdivision of contiguous land.

650 - RESIDENTIAL LOT: A lot intended to be used for residential and accessory uses.

651 - RESIDENTIAL SUBDIVISION: A subdivision intended to be used for residential and accessory uses.

652 - RESUBDIVISION: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map, or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

652.1 - REVISED PLAT: A plat used to record minor changes to a recorded plat (See Article 2, Section 206 and Article 6, Section 607). (Added 10-12-98)

653 - RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels. Right-of-way intended for streets, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the Plat on which such right-of-way is established.

654 R.O.H.C.: Registrar's Office of Hamilton County

655 - SALE OR LEASE: Any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, or an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

656 - SETBACK LINE: A line established by the subdivision regulations and/or zoning ordinance (resolution), generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes.

656.1 - SEWER AVAILABLE: This note on a plat means that every lot has an existing, functioning sanitary sewer line on that lot or in a street adjacent to that lot and that every lot can access sanitary sewers by gravity flow or that a bond has been submitted to install sanitary sewers that meet this standard. If only certain lots on a plat meet this sanitary sewer standard, the note can indicate the lots which meet this standard. (Added 10-12-98)

656.2 - SHORT CUL-DE-SAC: See Cul-de-sac, Short. (Added 3-13-95)

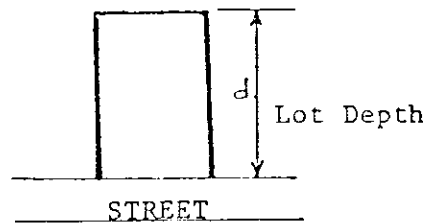
657 - STAGING: The development of tracts of land in a piecemeal fashion to avoid adhering to a longer subdivision procedure.

657.1 - STORM WATER MANAGEMENT DIVISION: A division of the City of Chattanooga Government generally charged with maintaining compliance with federal drainage and pollution mandates and review of drainage for all proposed developments in the City of Chattanooga. (Added 3-13-95)

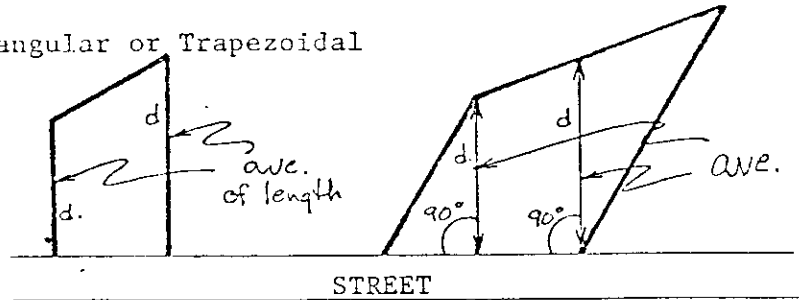
658 - STREET: Any public right-of-way designed for vehicular movement, except alleys, dedicated to and accepted by the local government. "Street" includes the full width of the right-of-way between property lines as well as the traveled portion there. "Street" includes "road", "highway", or any other designation of a public right-of-way designed for vehicular movement.

EXAMPLES: LOT DEPTH
d = depth

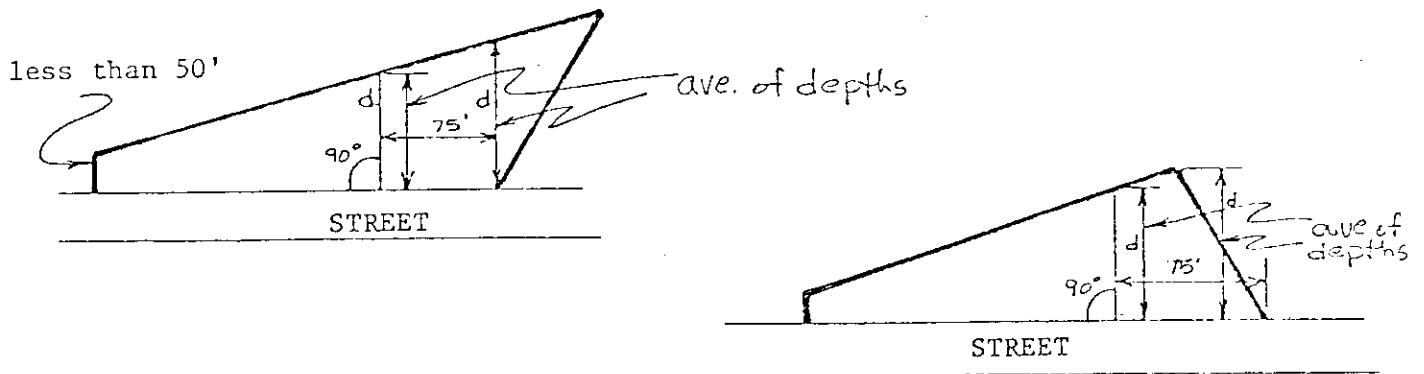
6-7 (a) Rectangular Lots



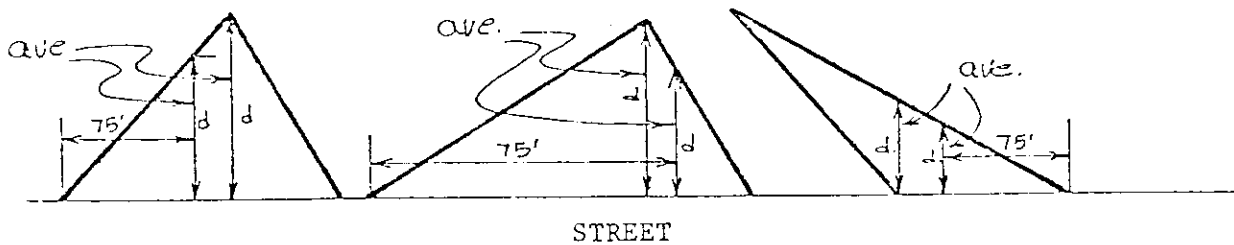
(b) Generally Rectangular or Trapezoidal



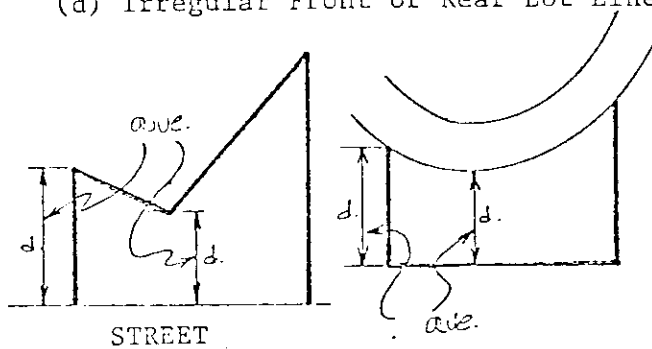
(c) Generally Rectangular or Trapezoidal, One Side Less Than 50'



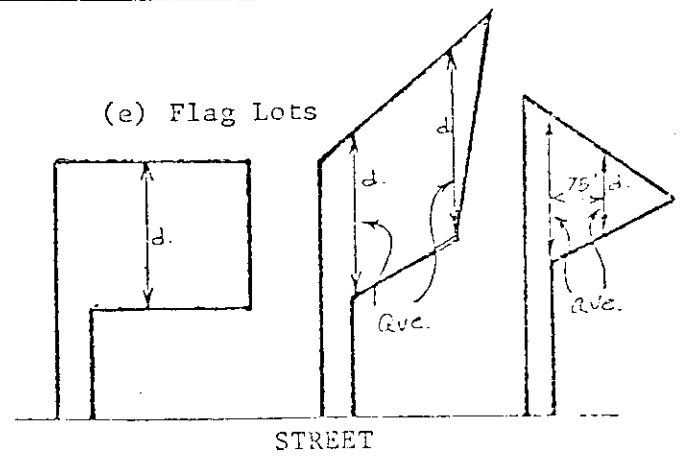
Triangular Lot



(d) Irregular Front or Rear Lot Line



(e) Flag Lots



(See 302.3)

658.1 - STREET, DEDICATED: A street shown on a subdivision plat which has been dedicated to the local government, but which has not yet been accepted by the local government.

658.2 - STREET, COLLECTOR: This system provides both land access and traffic circulation within residential neighborhoods as well as commercial/industrial areas. It differs from the arterial system in that facilities on the collector system may penetrate through the area to the ultimate destination. In the central business district (CBD), and in other areas of like development and traffic density, the collector system may include the street grid which forms a logical entity for traffic circulation. (Amended 8-8-94)

658.3 - STREET, CUL-DE-SAC: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround (See App. 5).

658.4 - STREET, FREEWAY: A divided, multi-lane street with full control of access designed to move large volumes of traffic at high speeds.

658.5 - STREET, FRONTAGE: A street adjacent to a freeway or a major arterial, separated therefrom by a median, and providing ingress and egress from abutting property.

658.6 - STREET, LOCAL: The local street system comprises all facilities not on one of the higher systems. It serves primarily to provide direct access to abutting land and access to the higher order systems. It offers the lowest level of mobility and through traffic movement usually is deliberately discouraged. (Amended 8-8-94)

658.7 - (Deleted 8-8-94)

658.8 - STREET, SPLIT: A street, designed to lessen road cross grades and lot grades, that has two one-way levels or street segments with a median that is a part of the right-of-way. Split streets shall have a paved turn-around of at least 40 feet in diameter at each end of the median to facilitate access to property on the reverse lane of the split street. The developer may be required to install facilities to reduce maintenance and erosion at the discretion of the governmental engineer. (See also App. 2)

659 - SUBDIVIDER: Any person who (1), having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly, or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing. (See also Applicant, and Developer).

660 - SUBDIVISION: See Article I, Sections 105.2 and 105.2.1.

660.1 - SUBDIVISION, ADMINISTRATIVELY APPROVED: See Article 2, Sections 204 and 205.

660.2 - SUBDIVISION, CORRECTIVE PLAT: See Article 2, Section 206

660.3 - SUBDIVISION, MAJOR: Any subdivision in which new streets are to be constructed and dedicated to the public; or any subdivision requiring the extension of public water and/or sewer lines.

661 - SURVEYOR: A land surveyor properly licensed and registered in the State of Tennessee.

661.1 - SURVEYOR/ENGINEER: Any person registered to practice professional engineering in the State of Tennessee and also licensed and registered to practice land surveying in the State of Tennessee. (Added 3-16-81)

661.2 - UTILITY, PUBLIC: A public utility is a business, organization, or government entity which is regularly supplying the public with some commodity or service to include, but not be limited to, such commodities or services as natural gas, electricity, water, telephone, sewage collection, cable television, etc., which requires the extension of lines, poles, cables, wires, pipes, etc. to individual buildings and which is being regulated for the public convenience and necessity by Federal, State, or local government. (Added 3-16-81)

662 - VALLEY (FLOODWAY) ZONE: See Floodway Zone. (Amended 3-16-81)

663 - VARIANCE: A variance is a modification of the strict terms of the relevant regulation where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulation would result in unnecessary and undue hardship. (See Article 1, Section 111 and 111.1.)

664 - WATERCOURSE, UNMAPPED: Any watercourse other than Chickamauga Lake and those watercourses for which 100 year flood elevations have been mapped by the Federal Emergency Administration or its successor on Flood Insurance Rate Maps. (Added 12-12-83)